

## REMARKS

Initially, Applicants thank the Examiner for the courtesies extended during the recent telephonic interview held on July 26, 2007. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview.

The Non-final Office Action, mailed June 7, 2007, considered claims 1-46. Claims 1-4, 6, 8, 12, 17-22, 26, 27, 29-31, 35, 38-42, and 45 were rejected under 35 U.S.C. 102 (b) as being anticipated by Ohkado (US2001/0047626 A1).<sup>12</sup>

By this amendment, claims 1, 3, 17, 20, 23-25, 29, 38, 40, 43 have been amended and new claims 47-53 have been added.<sup>3</sup> Claims 18, 19, 21, 22, 41, 42 and 44 have been cancelled. Accordingly, claims 1-17, 20, 23-40, 43 and 45-53 are pending, of which claims 1, 17, 29 and 38 are the only independent claims at issue.

The present invention is generally directed to automatically adjusting the one or more user interfaces based on the user's level of interaction over a period of time. For example, claim 1 defines displaying an intermediate representation of a user interface for real time communication, the intermediate representation including a text input box and at least a portion of a received real time message. Next, claim 1 defines monitoring user interaction with the intermediate representation of the user interface, the user interaction including one or more of the following over a period of time: hovering over the intermediate representation with a pointing device and selecting an element in the real time communication interface with the pointing device.

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Other claim rejections include the following: Claims 5, 24, 32, and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable under Ohkado (US2001/0047626 a1) in view of Taylor et al. (US 6147773 A). Claims 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable under Ohkado (US2001/0047626 a1) in view of Quillen et al. (US 2004/0103156 A1). Claims 14 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable under Ohkado (US2001/0047626 a1) and Amro (US 5,699,535). Claims 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable under Ohkado (US2001/0047626 a1) in view of Brown et al. (US 7,146,573 B2). Claims 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US2001/0047626 a1) and Flowers et al. (US 2003/0105812 A1). Claims 33 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado (US2001/0047626 a1) and Taylor et al. (US 6,147,773 A) in view of Brown et al. (US 7,146,573 B2).

<sup>3</sup> Support for the amendments to the claims and new claims 47-53 are found throughout the specification and previously presented claims, including but not limited to paragraphs [0011], [0038], [0039], [0041], [0049], [0055] and Figures 3B & 6.

Lastly, claim 1 defines performing at least one of determining that, during the period of time, the level of user interaction warranted an increased size of the intermediate representation of the user interface and, based on the determination, automatically enlarging the size of the intermediate representation of the user interface to an enlarged representation appropriate for the detected level of interaction, wherein the enlarged representation includes the text input box, and determining that, during the period of time, the level of interaction warranted a decreased size of the intermediate representation of the user interface and, based on the determination, automatically reducing the size of the intermediate representation of the user interface to a reduced representation appropriate for the decreased level of interaction.

Claim 17 is a method claim directed to simplifying user interaction with one or more real time communication user interfaces by adapting the one or more user interfaces to the user's activity level measured over a period of time. Claim 29 is a computer program product claim corresponding to claim 1. Claim 38 is computer program product claim corresponding to claim 17.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

*Ohkado* describes a method for controlling an instant messaging (IM) window. The window is automatically enlarged when the volume of the contents to be displayed reaches a predetermined value (par. [0010]). If a user selects a "clear" button, the window shrinks to a minimum size (par. [0037]). The size of the window is calculated based on the number of lines after the addition of a message input by a user (par. [0035]). Thus, the window is enlarged or reduced in size based on the number of lines of text that are to be displayed (par. [0035]-[0037]). The size of the window is not based on any user activity other than text inputted by a keyboard.

Thus, *Ohkado* fails to teach or suggest monitoring user interaction with the intermediate representation of the user interface, the user interaction including one or more of the following over a period of time: hovering over the intermediate representation with a pointing device and selecting an element in the real time communication interface with the pointing device, as recited in claim 1.

Furthermore, *Ohkado* fails teach or suggest performing at least one of determining that, during the period of time, the level of user interaction warranted an increased intermediate

representation of the user interface and, based on the determination, automatically enlarging the intermediate representation of the user interface to an enlarged representation appropriate for the detected level of interaction, wherein the enlarged representation includes the text input box, and determining that, during the period of time, the level of interaction warranted a decreased intermediate representation of the user interface and, based on the determination, automatically reducing the intermediate representation of the user interface to a reduced representation appropriate for the decreased level of interaction, as recited in claim 1.

At least for any of these reasons, claim 1 patentably defines over the art of record. At least for any of these reasons, claims 17, 29 and 38 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 17, 29 and 38, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

Claims 1, 19, and 29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner stated that the phrases "increased level of interaction" and "decreased level of interaction" in claims 1, 19, and 29 were relative phrases that render the claims indefinite. Claim 19 has been cancelled, rendering the rejection to claim 19 moot. Claims 1 and 29 have been amended to no longer recite the phrases "increased level of interaction" and "decreased level of interaction." Thus, Applicants respectfully request the withdrawal of the 35 U.S.C. 112, second paragraph rejection of claims 1, 19 and 29.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, for lacking antecedent basis. Claim 3 has been amended to recite "the intermediate representation of the user interface," for which support is provided in claim 1. Accordingly, Applicants respectfully request the withdrawal of the 35 U.S.C. 112, second paragraph rejection of claim 3.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any

Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 7<sup>th</sup> day of September, 2007.

Respectfully submitted,

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